(Ireland.)

A

B I L L

To amend an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled, "An Act to amend the Laws relating to Excise Licenses, and to the Sale of Wine, Spirits, Beer and Cider by Retail in Ireland."

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS an Act was passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act to amend the Laws relating to the Sale of Wine, Spirits, Beer and Cider by Retail in Ireland:" And whereas it is expedient to amend the said Act in certain particulars, and to make other regulations in respect of the Sale of Wine, Spirits, Beer and Cider by Retail in Ireland; BE it therefore Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *Fifth* day of *July* in the year *One thousand eight hundred and Thirty-six*, it shall and may be lawful to and for the proper Officers of Excise, and they are hereby directed to require from all and every person and persons applying for such License as in the said Act mentioned, to sell Beer, Cider and Spirits by Retail, to be consumed in any house specified in said License, being the same house as shall have been licensed in the year last immediately preceding, and whose License shall not have been withdrawn or annulled, in addition to the Certificate of Six Householders of the parish in the said recited Act mentioned, a Certificate to the same purport and effect from the Chief Constable of the Constabulary Force acting in and for the district in which such house may be situate, and also a like Certificate

1. Proper Officers of Excise before granting Licenses to Persons licensed in the year preceding, shall require a Certificate of good Character from Two Overseers, in addition to the Certificate required by 3 & 4 W. 4. c. 68. s. 1.

Printed image digitised by the University of Southampton Library Digitisation Unit

Certificate from *Two* of the Overseers appointed or to be appointed, as provided in and by the said recited Act or by this Act, for the parish in which such house is situate; and in such Certificate the said *Two* Overseers shall state the time of their appointment; and that they acted as such Overseers at least for *One* Month in the year immediately preceding the date of such Certificate; and such Certificate shall be signed by the said Overseers without fee or reward.

2. Process Servers not to be licensed to retail Spirits.

And be it further Enacted, That no person appointed to serve Civil Bill Processes shall be capable, while he holds such office, of receiving or holding a License to sell Beer, Cider, Wine or Spirits by retail.

3. Repeal of 3 & 4 W. 4. c. 68. ss. 14 and 15.

And be it further Enacted, That so much and such parts of the said Act of the third and fourth years of the reign of His present Majesty, as enact, that no person selling or licensed to sell Beer or Cider, Spirits or Wine, by retail, to be drank or consumed on the premises, shall have or keep his house or other place of sale open for the sale of Spirits, Wine or Beer, nor shall sell or retail Spirits, Wine or Beer, nor shall suffer any Spirits, Wine or Beer to be drank or consumed in or at such house or other place, at any time between the hours of Eleven of the clock in the night and Seven of the clock in the morning, nor at any time before Two of the clock in the afternoon on any Sunday, Good Friday, Christmas-day, or any day appointed for a Public Fast or Thanksgiving; and so much of the said Act as imposes any fine, penalty or forfeiture for breach of the aforesaid regulations; and so much and such parts thereof as enact, that it shall be lawful for any Justice of the Peace, Chief Constable or Churchwarden or Overseer, or for any Constable authorized for the purpose by any such Justice, to enter into any house or place kept by any person selling or having a License to sell Spirits, Wine or Beer by retail, at any time between certain hours in the said Act mentioned, and to remove from and put out of such house or place any person who shall be so found within such prohibited hours in such house or place (not being a lodger or inmate of such house or place), and who shall appear to be or to have recently been drinking, tippling or gaming therein; and as imposes any fine, penalty or forfeiture on any person who shall disobey or resist such Justice, Constable, Churchwarden or Overseer, shall be and the same are hereby Repealed: Provided always, That nothing herein contained shall extend to invalidate any thing done, or to remit or discharge any penalty or forfeiture incurred previous to the *passing of this Act.*

4. Retailers' Houses shall not be open for the Sale of Spirits between Eleven at night and Nine in the morning, nor

And be it further Enacted, That from and after the *passing of this Act,* no person selling or licensed to sell Beer or Cider, Spirits or Wine by retail, to be drank or consumed on the premises, shall have or keep his house or other place of sale (not being a booth or tent at any lawful or accustomed fair, or at any public races open for the sale of Spirits, Wine or Beer, nor shall sell or retail Spirits, Wine or Beer, nor shall

Printed image digitised by the University of Southampton Library Digitisation Unit

shall suffer any Spirits, Wine or Beer to be drank or consumed in or at such house or other place, at any time between the hours of *Eleven* of the clock in the night and *Nine* of the clock in the morning, if such house or place shall be situate in any city, town or borough, and if
5 situate elsewhere, and beyond the limits of any city, town or borough, between the hours of *Ten* of the clock in the night and *Nine* of the clock in the morning, or at any time whatsoever on any Sunday, Good Friday, Christmas-day, or any day appointed for a Public Fast or Thanksgiving; and if any such person shall keep his house or other place of
10 sale open for selling, or shall sell Spirits, Wine or Beer, or suffer Spirits, Wine or Beer to be sold, drank or consumed in or at such house or other place, at any time between the hour of *Eleven* of the clock or *Ten* of the clock (as the case may be) at night and the hour of *Nine* of the clock in the morning, or at any time whatsoever on any
15 Sunday, Good Friday, Christmas-day, or any day appointed for a Public Fast or Thanksgiving, such person shall forfeit the sum of for any such offence; and every separate sale shall be deemed a separate offence, and all sales on any one day shall be deemed and considered and may be prosecuted as separate offences: Provided
20 always, That nothing herein contained shall extend to prohibit the sale of Spirits, Wine or Beer to a Traveller.

on Sundays, Christmas-day or Good Friday.

Exception as to Travellers

5. And be it further Enacted, That no person selling or licensed to sell Beer or Cider and Spirits or Wine by retail, to be drank or consumed on the premises or otherwise, shall have or keep any booth or tent, or
25 other place, not being a house duly licensed for the sale of Spirits, at any lawful or accustomed Fair, or at any public Races, open for the sale of Spirits, Wine or Beer, nor shall sell or retail Spirits, Wine or Beer, nor shall suffer any Spirits, Wine or Beer to be sold, drank or consumed in or at such booth or tent or other place, between the hours of *Six*
30 of the clock in the evening and *Nine* of the clock in the morning, at any time between the *First* day of *April* and the *First* day of the following month of *October*, or between the hours of *Three* of the clock in the afternoon and *Nine* of the clock in the morning, at any time between the *First* day of *October* and the *First* day of the following month of
35 *April*, nor at any time whatsoever on any Sunday, Good Friday, Christmas-day, or any day appointed for a Public Fast or Thanksgiving; and if any such person shall keep such booth or tent or other place open for selling, or shall sell Spirits, Wine or Beer, or shall suffer any Spirits, Wine or Beer to be drank or consumed in or at such booth or
40 tent or other place, at any hour or time at which the same are hereby respectively prohibited, such person shall forfeit the sum of for any such offence, and every separate sale shall be deemed a separate offence, and all sales on any one day shall be deemed and considered and may be prosecuted as separate offences, and this prohibition shall

Booths and Tents at Fairs, &c. not to be open for the Sale of Spirits, Wine or Beer, at any hour between Six in the evening and Nine in the morning in Summer, and Three in the afternoon and Nine in the morning in Winter.

Printed image digitised by the University of Southampton Library Digitisation Unit

shall be deemed and taken to extend to the sale of Spirits, Wine or Beer to a Traveller, as well as to any other person.

6. Justices and Constables may enter into any House, &c. in which Spirits or Beer is sold, and put out Persons tippling or gaming at prohibited hours.

And be it further Enacted, That it shall and may be lawful for any Justice of the Peace, or for any Chief Constable, or for any Churchwarden or Overseer in the said recited Act or hereinafter mentioned, or for any Constable authorized for the purpose by any such Justice, within the limits of his jurisdiction, to enter into any house, booth, tent or other place kept by any person selling or having a License to sell Spirits, Wine or Beer by retail, at any time or hour during which the sale of Spirits, Wine or Beer is by this Act prohibited therein, and to remove from and put out of such house, booth, tent or other place, any person who shall be so found within such prohibited hours in such house, booth, tent or other place (not being a lodger or inmate thereof), and who shall appear to be or to have recently been drinking, tippling or gaming therein; and that if any such person shall not, when thereto required by such Justice of the Peace, Chief or other Constable, Churchwarden or Overseer as aforesaid, remove from and quit such house, booth, tent or other place, or shall forcibly resist such Justice, Constable, Churchwarden or Overseer, or shall be found drunk therein, it shall and may be lawful for any Constable, Churchwarden or Overseer to apprehend and take into custody any such person so offending, and to carry and convey, or cause to be carried and conveyed, every and any such person so apprehended before any Justice of the Peace within whose jurisdiction such house, booth, tent or other place shall be situate, to be dealt with according to law; and every such person who shall so neglect or refuse to remove from or quit such house, booth, tent or other place, or shall so forcibly resist such Justice, Constable, Churchwarden or Overseer, or be so found drunk in such house, booth, tent or other place, being duly convicted of such offence, shall thereupon for every such offence forfeit any sum not exceeding nor less than ; and if any offender so convicted shall not forthwith pay the sum so forfeited, such offender shall be committed to the Common Gaol of the county or place, or to any adjacent House of Correction for any time not exceeding

Persons not quitting or resisting Justices, &c. may be apprehended.

7. If a Soldier offends, Justice to communicate the same to his Commanding Officer.

And be it Enacted, That if any offender convicted in manner aforesaid shall be a Soldier on full pay, and attached to any regiment in His Majesty's Service stationed or being within the jurisdiction of such Justice, a communication of such conviction shall be forthwith made by said Justice to the Commanding Officer of such regiment, and the offender so convicted shall be detained until delivered over to the Commanding Officer or his Order, to be amenable to military discipline.

And

Printed image digitised by the University of Southampton Library Digitisation Unit

8. Retailers shall not permit illegal Assemblies in their Houses, or hang out Flags or Emblems therefrom.

And be it further Enacted, That no person licensed to sell Spirits by retail to be consumed on the premises or otherwise, shall knowingly permit any body, union, society or assembly of persons declared to be illegal or prohibited by any law in force at the time of the *passing of this Act*, or any body, union, society or assembly of persons who shall hold their meetings or assembly with closed doors, or who shall require from persons about to be admitted, or being admitted thereto, or into the said body, union, society or assembly, any oath, test, solemn declaration or affirmation not expressly allowed and required by law, or who shall observe on the admission of members, or on any other proceeding, any religious or other solemn mystery, rite or ceremony, or seeming or pretended religious or other solemn mystery, rite or ceremony, not sanctioned by law, or who shall wear, bear or display on occasions of their meeting or assembling together, any arms, flags, colours, symbols, decorations or emblems whatsoever, to meet or assemble, or hold a meeting or assembly on any occasion or pretence whatsoever, in the house or other place of sale of such person so licensed, nor shall, on any occasion or pretence whatsoever, hang out or display, or suffer to be hung out or displayed, on, from or out of such house or other place of sale, any sign, flag, symbol, colour, decoration or emblem whatsoever, except the known and usual and accustomed sign of such house or other place of sale usually fixed thereto in the way of business; and if any such person shall knowingly permit any such body, union, society or assembly to meet or assemble, or hold any meeting or assembly, on any occasion or pretence whatsoever, in the house or place of such person, or shall hang out or display, or suffer to be hung out or displayed, on, from or out of such house or place of sale any such sign, flag, symbol, colour, decoration or emblem whatsoever, except as aforesaid, any such person so offending shall forfeit and pay for every such offence the sum of and the License of such person convicted of such offence shall not be renewed by the proper Officer of Excise without the Certificate of the Justices at Quarter Sessions assembled, and of the Assistant Barrister attending said Quarter Sessions, that they consider such person to be, notwithstanding such conviction, a fit person to be licensed, on condition of his not again committing a like offence; and if any such person so convicted and obtaining a renewal of his License on said Certificate shall be again convicted of a like offence, such License shall immediately on such second conviction become null and void to all intents and purposes whatsoever, and such person shall not be capable at any time thereafter of obtaining such License: Provided always, That it shall not be lawful for any person to oppose the granting such Certificate, nor shall it be necessary for the person so convicted to give any notice of his intention to apply for the same.

 And

Printed image digitised by the University of Southampton Library Digitisation Unit

9. Justices and Constables may enter any house in which Spirits or Beer is sold, and put out Persons found or assembled, and remove Banners, &c.

And be it further Enacted, That it shall and may be lawful for any Justice of the Peace, or for any Chief Constable, or for any Constable authorized for the purpose by any such Justice or Chief Constable, within the limits of his jurisdiction, to enter into any house or place kept by any person selling or having a License to sell Spirits, Wine or Beer by retail, to be consumed on the premises or otherwise, in which such Justice or Chief Constable shall, from information on oath or otherwise, have reason to believe or suspect that any such body, union, society or assembly is met or held, or on or from which any such sign, flag, symbol, colour, decoration or emblem shall be hung out or displayed, and to remove from and put out of such house or place any person who shall be found met or assembled therein, with or as members of or belonging to any such body, union, society or assembly, and to remove and take away and destroy, if he shall think proper, any arms, banners, flags, colours, symbols, emblems or decorations found on or with such persons, or hanging out or displayed on or from such house or other place, and to require every such person so found to state truly to him his name and place of abode, and to require the immediate inspection of and take possession of any book of proceedings or other book used at such meeting, or brought thereto, and to detain such book for such time as he may think proper, not exceeding and that if any such person shall not, when thereto required by such Justice of the Peace, Chief or other Constable as aforesaid, remove from and quit such house, or if any person whatsoever shall forcibly resist such Justice or Constable, it shall and may be lawful for any Constable to apprehend and take into custody any person so offending, and to carry and convey, or cause to be carried and conveyed, every and any such person so apprehended before any Justice of the Peace within whose jurisdiction such house or place shall be situate, to be dealt with according to law; and every such person who shall so neglect or refuse to remove from or quit such house, or shall so forcibly resist such Justice, Constable, Churchwarden or Overseer, or who shall refuse to state his name and place of abode, or shall not truly state the same, being duly convicted of such offence, shall thereupon for every such offence forfeit any sum not exceeding nor less than and if any offender so convicted shall not forthwith pay the sum so forfeited, such offender shall be committed to the House of Correction for any time not exceeding

Persons not quitting, or resisting Justices, &c. may be apprehended.

10. Penalty on Persons selling Beer, and opposing the entering of Justices.

And be it further Enacted, That if any person selling or licensed to sell Spirits, Wine or Beer by retail, or any person aiding or assisting such retailer, shall prevent or endeavour to prevent by threats or violence, or otherwise, any such Justice, or Chief or other Constable, Churchwarden or Overseer in that behalf authorized under this Act, or

Printed image digitised by the University of Southampton Library Digitisation Unit

or the said Act of the third and fourth years of the reign of His present Majesty, from entering any house or place, or from making any search therein authorized by this Act, or shall assault or otherwise resist any such Justice, or Chief or other Constable, Churchwarden or Overseer as aforesaid, every such person so offending shall forfeit and lose a sum not exceeding the sum of : Provided always, That nothing herein contained shall exempt any such person so offending, or any other person resisting said Justice, Chief or other Constable, Churchwarden or Overseer, on any occasion in the exercise of any power given by this Act, from any other punishment or penalty, by information, indictment or otherwise, to which he or she may be liable by law for any such offence, or be construed in any way to affect or repeal any law or laws providing any punishment for such offence.

11. Penalty on refusing to admit Justices.

And be it further Enacted, That if any person selling or licensed to sell Spirits, Wine or Beer by retail, shall on demand made of entrance, delay or neglect to admit any Justice, or Chief or other Constable, Churchwarden or Overseer as aforesaid, into any house or place of such person, for the purpose of making such search as aforesaid, or for any other purpose for which by this Act, or any other law in force in Ireland, such Justice, Chief or other Constable, Churchwarden or Overseer is or may be entitled to admittance into such house or place, such person so offending shall forfeit and lose a sum not exceeding the sum of

12. Penalty if Persons are found tippling or gaming at prohibited hours, and on Persons found drunk.

And be it further Enacted, That every person selling or licensed to sell Spirits, Wine or Beer by retail, in whose house or place any person shall be found to be or to have been recently drinking, tippling or gaming, at any hour or time at which the sale of Spirits or Beer is prohibited by this Act, shall upon conviction thereof forfeit and pay the sum of and any person found drunk at any hour of the day or night in any street, square, lane, road, way or other public thoroughfare or place, shall upon conviction thereof forfeit and pay any sum not exceeding and in default of payment thereof shall and may be committed to the Common Gaol of the county or place, or to any neighbouring House of Correction, for any time not less than nor more than Hours; and every person so found drunk in any street, square, lane, road, way or other public thoroughfare or place, shall and lawfully may be apprehended by any Justice, Constable, Peace Officer, Churchwarden or Overseer as aforesaid, and forthwith carried and conveyed before any Justice of the Peace within whose jurisdiction he shall be so found, to be dealt with according to law.

13. Number of Overseers under 3 & 4 W. 4. c. 68. increased.

And be it further Enacted, That instead of appointing such number of persons, not exceeding *Five*, to be Overseers of persons and houses, as

Printed image digitised by the University of Southampton Library Digitisation Unit

as in the said recited Act of the third and fourth years of the reign of His present Majesty is provided, it shall and may be lawful for the Parishioners of the several parishes in Ireland, in vestry assembled, and they are hereby required, *Once* in every year, or oftener if necessary, to appoint such number of persons, not exceeding *Twenty*, nor less than *Ten*, as to them shall seem meet, to be Overseers of persons and houses in which Spirits or Beer shall be sold by retail within every such parish respectively; and every Overseer so appointed shall have as full and ample power and authority for carrying the provisions of this Act and the said recited Act into execution, as any Constable or other Peace Officer hath or may have by virtue of this or the said recited Act, or as any Overseer appointed under the said recited Act; and every such Overseer shall, for the purposes of this Act and of the said recited Act, be and be deemed and taken to be a Constable or Peace Officer, and the said Overseers, when so appointed, shall forthwith meet and make such proper arrangements together as to them shall seem necessary for the performance of their duties under this Act and the said recited Act, and for the due inspection and visiting the several houses within their jurisdiction as such Overseers; and the said arrangements shall be so made that at least *Two* of the said Overseers shall be appointed to and perform the said duty for each Month; and every person who shall be appointed such Overseer who shall neglect or refuse (not being prevented by sickness or other unavoidable accident) to act as such Overseer, shall forfeit and pay the sum of

Penalty on their not acting.

14. Two Justices at Petty Sessions may appoint Overseers, if the Parishioners do not.

And be it further Enacted, That if the Parishioners of any parish in Ireland shall not appoint such Overseers on or before the *First* day of *August* in any year, or within *One* Week after the termination of the office of any Overseer already appointed or to be appointed under this Act or the said recited Act, it shall and may be lawful to and for any *Two* Justices of the county, county of a city, county of a town, or town and liberties, in which such parish shall be situated, assembled at any Petty Sessions or divisional or other office of Police for the district in which such parish shall be situate, to appoint such number of Overseers as aforesaid to act as such Overseers for *One* Year, and the persons so appointed shall have all the powers of any Overseer or Overseers appointed under this or the said recited Act, and shall perform the like duties and be liable to the like penalty for non-performance thereof, as is hereinbefore provided in respect of the Overseers to be appointed by the Parishioners as aforesaid.

15. Informations may be exhibited within Twelve Months.

And be it further Enacted, That every information for any penalty incurred under this or the said recited Act shall and may be exhibited within *Twelve* calendar Months next after the offence alleged in said information shall have been committed, any thing in the said recited Act to the contrary thereof notwithstanding.

And

Printed image digitised by the University of Southampton Library Digitisation Unit

16. 3 & 4 W. 4. c. 63, to be in force save as altered by this Act.

And be it further Enacted, That except so far as is herein otherwise provided, all penalties and forfeitures imposed by this Act shall be sued for, levied, recovered, mitigated and distributed by such ways, means and methods, and in such manner as by the said recited Act of the third and fourth years of the reign of His present Majesty is directed, provided and enacted; and that in every respect, save where it is expressly repealed or altered by this Act, the said recited Act, and every clause, matter and thing therein contained, shall be and remain in full force, and shall apply to the several penalties and forfeitures imposed by this Act, and to the several offences hereby created, as if the same were herein re-enacted.

17. General Form of Conviction.

And be it further Enacted, That every Conviction to be had under this Act, or the said recited Act, shall and lawfully may be drawn up in the form following, or in any other form of words to the same effect; (that is to say)

to wit. } "BE it Remembered, That on the day of in the year of our Lord A. B. is convicted before us, Two of His Majesty's Justices of the Peace of the said county [or, city, or, town, as the case may be], on the oaths of C. D., &c. [as the case may be], in the Sum of for that [here specify the offence, and when and where committed.] Given under our hands and seals the day and year above written."

18. Act may be altered this Session.

And be it further Enacted, That this Act, or any of the provisions thereof, may be altered varied or repealed by any Act to be passed in this Session of Parliament.

Printed image digitised by the University of Southampton Library Digitisation Unit

Excise Licenses (Ireland.)

(Ireland.)

A

B I L L

To amend an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled, "An Act to amend the Laws relating to Excise Licenses, and to the Sale of Wine, Spirits, Beer and Cider by Retail in Ireland."

(*Prepared and brought in by Lord Viscount Morpeth and Mr. Serjeant O'Loghlen.*)

Ordered, by The House of Commons, *to be Printed,*
30 *March* 1836.

168.

Printed image digitised by the University of Southampton Library Digitisation Unit